

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 10756 of 2021

Date of Decision: June 29, 2021

Tek Ram

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Avnish Mittal, Advocate and
 Ms. Aparna Singhal, Advocate
 for the petitioner

Sudhir Mittal, J. (Oral)

The land in dispute was allotted to respondent No. 5 vide allotment dated 11.01.1977 considering the said respondent to be an eligible person for allotment of surplus land. The petitioner (big land owner whose land was declared surplus) sought a review of the said order but the same was rejected vide order dated 22.11.1984 (Annexure P-1). Aggrieved, the petitioner filed an appeal against the said order before the Collector which was accepted vide order dated 05.05.1986 (Annexure P-2). Further, appeal by the allottee-respondent No. 5 before the Commissioner was dismissed. However, revision carried by him before the learned Financial Commissioner has succeeded and the allotment has been restored vide order dated 28.08.1990 (Annexure P-4). It is this order which is challenged in this writ petition.

Learned counsel for the petitioner has submitted that the impugned order dated 28.08.1990 was not in his knowledge as he was proceeded against ex-parte. The ex-parte order was also wrong as no service was ever effected upon the petitioner. Knowledge was acquired in the year 2021 only when the private respondents came to the spot to take over possession.

From the aforementioned facts it emerges that the land in dispute was the ownership of the petitioner but was declared surplus. Thereafter, it was allotted to respondent No. 5 on 11.01.1977. Once land has been declared surplus, the same vests in the Government free from all encumbrances and the original big land owner is divested of all rights, title and interest. Thus, whether the land was allotted to respondent No. 5 or to any other person is no concern of the big land owner. In my considered opinion the challenge to the order of allotment at the behest of the petitioner was not maintainable at all. The same logic would apply also to the order passed by learned Financial Commissioner. This is apart from the fact that the challenge is highly belated.

In view of the above, the writ petition has no merit and is dismissed.

June 29, 2021

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No